IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.3707 OF 2007

Amol Balasaheb Salokhe ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr K. S. Patil, Advocate for the applicant.

Mr S. S. Pednekar, A.P.P. for the State.

CORAM: V.C. DAGA,J.
DATED: 7.12.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant is seeking bail in C. R.No. 176 of 2007 registered with Karveer Police Station, District Kolhapur for the offences under Sections 147, 148, 149,307, 323,324,506 read with Section 34 of the I.P.C. read with Sections 37 (i) and 135 of the Bombay Police Act.

4. Factual matrix reveal that -

. On 30.6.2007 at about 10.00 p.m. informant Prakash and his friends went to a hotel; namely "Kilbil" situated at Kalamba. After taking dinner

they left the said hotel but lateron it came to the knowledge of one of the friends of the complainant; namely, Rajan Sadashiv Ingawale that he forgot his mobile phone in the said hotel. So all of them returned back to the said hotel to enquire with hotel Manager. The hotel Manager and the Waiters denied having seen their mobile phone and said it was not there. Informant and his friends took search of the Mobile Phone and it was found in the kitchen of the said hotel concealed in one vessel. In the meanwhile, Balasaheb Salonkhe with his sons Amol Salonkhe, his brother, and other came on the spot. When questions were raised about the integrity of their staff members, the applicant no.1 Balasaheb instigated his sons and employees of the hotel. On instigation, applicant assaulted the informant and his friends. Applicant has assaulted informant by satoor on his forehead. One Abhijeet Rawat intervened. Information was passed on to police. Injured persons were admitted in the hospital. That is how, the complaint was lodged and offence was registered.

5. The applicant had moved application for bail prior to filing of the charge sheet, bearing Criminal Application No. 2453 of 2007 before this Court. However, it was not pressed. Accordingly, the said application was dismissed as not pressed.

6. After filing of the charge sheet, it appears that fresh application was moved before learned Sessions Judge, Kolhapur, which was rejected by the order dated 9.10.2007. That application was moved on behalf of three applicants Dhondiram @ Balasaheb Bapusaheb Salonkhe, Amol Balasaheb Salunkhe and Amit Balasaheb Salunkhe. Accused Dhondiram and Amit moved this Court in Criminal Application No. 3573 of 2007 and obtained bail on 29th October, 2007 on the grounds stated therein.

7. Now, learned counsel for the applicant submits that looking to the injuries suffered by the injured Abhijeet, two injuries were simple; whereas, one was grievous with hard and blunt object, applicant can be released on bail.

8. There is also recovery of sattoor with which Amol had caused grievous injury to Abhijeet by satoor. There are eye witnesses to the incident. Under these circumstances, there is sufficient material on record to connect the present applicant with the alleged offences.

9. Looking to the nature of the offence and the weapon used, I am not inclined to entertain this application for bail. Application is,thus, rejected.

10. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J)

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CRIMINAL APPLICATION No. of 2007.

..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Niranjan Mundargi, Advocate for the applicant.

Ms M. H.Mhatre, A.P.P. for the State.

CORAM: V.C. DAGA,J.
DATED: 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail in C.R.

No. of 2007 registered with Lashkar Police Station, Pune for the offence punishable under Sections 302,342,324 read with Section 120-B of the I.P.C.

4. In the above view of the matter, I am of the considered view that on the same terms and conditions the applicant be released on bail:-

5. Prosecution case in brief, is as follows:

11. Learned A.P.P. tried to oppose the application but could not justify further detention of the applicant in the custody.

12. Having heard rival parties and facing material on record which is in the form of statement of the co-accused implicating the present applicant and the statement of the applicant himself recorded in the custody involving himself in commission of offence, with no other material corroborating the same. The test identification parade dated 24.11.2005 does not show that the applicant was identified during the test identification parade. The Apex Court ordered in the case of

Sudhir Khade also takes into account grant of bail to other co-accused persons who was implicated alongwith Sudhir Khade. The applicant is in custody for considerably long period.

13. Thus, taking into account overall view of the matter and in the backdrop of Apex Court releasing one of the co-accused. whose role is more or less similar as that of the present applicant. I deem it fit to grant bail to the present applicant on the condition that he shall surrender his passport with Sessions Judge, Pune in addition to that he shall execute personal bond in the sum of Rs. 1,00,000/- with two local solvent sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.

14. He shall report to the Investigating Officer Pune, once in a week and shall not tamper with the prosecution witnesses or the material collected by them.

15. The order of bail will be given effect only after the applicant furnish to the Investigating Officer the details about his place of residence and address where he

propose to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

16. The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

17. The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

18. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

19. In the result, application of the applicant for bail stands allowed in terms of this order.

(V.C. DAGA,J.)